

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 15-733V**  
**(Not to be Published)**

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DANA COHEN,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Filed: September 11, 2015

Decision by Stipulation; Interim  
Attorney's Fees and Costs

*Mindy M. Roth*, Britcher, Leone & Roth, L.L.C., Glen Rock, NJ, for Petitioner.

*Voris E. Johnson*, U.S. Dep't of Justice, Washington, DC, for Respondent.

**INTERIM ATTORNEY'S FEES AND COSTS DECISION<sup>1</sup>**

On July 15, 2015, Dana Cohen filed a petition seeking compensation under the National Vaccine Injury Compensation Program.<sup>2</sup> Thereafter, Petitioner filed some medical records in support of her claim.

Petitioner's counsel filed a motion on September 3, 2015, indicating that she would be transferring this case to another attorney (ECF No. 9), and the parties have now filed a stipulation

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<sup>1</sup> Because this decision contains a reasoned explanation for my actions in this case, I will post it on the United States Court of Federal Claims website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (Dec. 17, 2002) (current version at 44 U.S.C. § 3501 (2014)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. *Id.*

<sup>2</sup> The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. § 300aa-10 through 34 (2012)).

regarding interim attorney's fees and costs (Stipulation of Facts Concerning Interim Attorneys' Fees and Costs, dated Sept. 9, 2015 (ECF No. 11)). The parties agree that Petitioner's existing counsel should receive attorney's fees in the amount of \$4,954.50, and attorney's costs in the amount of \$1,756.99. These sums represent amounts to which Respondent does not object. In addition, and in accordance with General Order No. 9, Petitioner's counsel represents that Petitioner personally incurred no costs. *Id.* at 1.

I approve the requested amount for interim attorney's fees and costs as reasonable, given the history of this matter. Accordingly, an award of \$6,711.49 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Mindy M. Roth, Esq. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.<sup>3</sup>

**IT IS SO ORDERED.**

/s/ Brian H. Corcoran

Brian H. Corcoran  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.